United Nations A/AC.182/2018/L.11

General Assembly

Distr.: Limited
23 February 2018

Original: English

**Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**
20–28 February 2018

# Draft report

*Rapporteur*: Mr. Luke **Tang** (Singapore)

## V. Working methods of the Special Committee and identification of new subjects

### A. Working methods of the Special Committee

1. The issue of the working methods of the Special Committee was addressed by several delegations during the general exchange of views held at the 287th and 288th meetings of the Special Committee, on 20 February 2018, and was considered at the 3rd meeting of the Working Group of the Whole, on 23 February.

2. During the general exchange of views, delegations stressed the importance of the functions of the Special Committee relating to the maintenance of international peace and security, the development of cooperation among States and the promotion of international law, as well as the role of the Special Committee in the clarification and interpretation of provisions of the Charter. Several delegations also emphasized the role of the Special Committee in assisting in the revitalization and strengthening of the Organization, and in the reform process, in accordance with General Assembly resolution 3499 (XXX). A number of delegations highlighted the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes as one of the major achievements of the Special Committee.

3. The Special Committee was urged to fully implement the decision on working methods adopted in 2006, as reflected in paragraph 3 (d) of General Assembly resolution 71/146. Some delegations encouraged the Special Committee to examine the frequency and duration of its meetings and to seriously consider meeting every two years or shortening its sessions. Delegations also reiterated that the work of the Special Committee should be reviewed in order to ensure that it added value, that the overlap between organs considering the same or similar issues was minimized and that items that had been or were being considered elsewhere in the Organization were not duplicated by the Special Committee. It was suggested that stagnant items on the

18-02862 (E) 270218

Please recycle

agenda of the Special Committee should be revisited with a view to improving efficiency and productivity.

4. It was suggested that several items on the agenda could benefit from careful scrutiny and needed to be thoroughly debated and analysed by the Special Committee. Several delegations reiterated that the full execution of the mandate of the Special Committee depended on the political will of States and on the full and effective implementation of the methods of work of the Special Committee. The view was expressed that the working methods of the Special Committee should be guided by the substance of its work. It was observed that the work of the Special Committee should be directed primarily at ensuring that the Organization lived up to the goals of the rule of law and justice.

5. At the 3rd meeting of the Working Group of the Whole, some delegations encouraged the Special Committee to review whether it should maintain certain proposals on its agenda and to consider the frequency and duration of its meetings. Other delegations said that all proposals should be meaningfully discussed and that a reconsideration of the frequency and duration of the meetings would be premature. In that regard, it was also suggested that a distinction should be made in the report of the Special Committee between the views of delegations expressed during the general exchange of views and those expressed in the Working Group of the Whole.

6. With regard to the annual thematic debate on the peaceful settlement of disputes, "mediation" was suggested as the subtopic for the next session of the Special Committee.

## B. Identification of new subjects

7. The issue of the identification of new subjects was considered during the general exchange of views held at the 287th and 288th meetings of the Special Committee, on 20 February 2018, and at the 3rd meeting of the Working Group of the Whole, on 23 February.

8. During the general exchange of views, a number of delegations recalled proposals made at previous sessions of the Special Committee and called for their meaningful consideration. Several delegations stated that the Special Committee could contribute to the examination of legal matters relating to the reform and revitalization of the Organization and its organs, including issues surrounding the roles and prerogatives of the General Assembly and the Security Council.

9. At the 3rd meeting of the Working Group of the Whole, the representative of Mexico noted that communications to the Security Council under Article 51 of the Charter had increased, in particular with regard to counter-terrorism operations. Concern was expressed regarding recent interpretations of the right to self-defence in response to armed attacks perpetuated by non-State actors. It was proposed that the Special Committee could consider the substantive and procedural aspects of the issue, in order to clarify the interpretation and application of Article 51 and avoid possible abuse of the right to self-defence. It was suggested that the Special Committee could discuss the content of such communications to the Council to ensure that the limits established under Article 51 and other applicable rules of international law were satisfied, taking into account considerations of proportionality and necessity. Furthermore, it was observed that the Council should report to States that were not members of the Council following receipt of such communications. It was further suggested that a specific section could be created on the website of the Council where all communications concerning Article 51 could be accessed.

10. Several delegations expressed interest in the proposal, while others questioned whether the Special Committee would be the appropriate forum to address the issues raised. The representative of Mexico was encouraged to present a written proposal for consideration.